IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMONS FOR JUDGMENT NO.833 OF 2004
IN
SUMMARY SUIT NO.2184 OF 2004

Arvind Chandulal Patel. ...Plaintiff.

Versus

Jagdamba Sahakari Sakhar Karkhana Ltd. ...Defendant.

.....

Mr. Gulam Rasool Khan for the Plaintiff.
None for the Defendant.

.....

CORAM : DR. D.Y. CHANDRACHUD, J.
June 19, 2007.

P.C.:

Prima facie the acknowledgment of liability that was issued on 7th June 2002 is well beyond the period of limitation and the suit appears to be barred by limitation under Section 8 of the Limitation Act, 1963. Consequently, unconditional leave to defend the suit will have to be granted. Even though no reply has been filed by the Defendant, the Court is duty bound to consider the defence of limitation whether or not it is pleaded. Written Statement to be filed within six weeks. The Summons for Judgment is accordingly disposed of.